

U.S. Department of Justice

United States Attorney
Southern District of New York

United States District Courthouse
300 Quarropas Street
White Plains, New York 10601

November 17, 2020

BY CM/ECF and ELECTRONIC MAIL

The Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street
New York, New York 10601

**Re: *United States v. Simon Goldbrener, et al.*,
18 Cr. 614 (KMK)**

Dear Judge Karas:

The Government writes respectfully to request that this Court set a new date for defendant Moshe Schwartz to submit his sentencing memorandum, and to extend the time for the Government to submit its universal sentencing submission. The Government has communicated with counsel for all defendants in this case: none object and all who have responded in particular consent.¹

On August 27, 2018, a grand jury returned indictment 18 Cr. 614 (KMK), which charged all seven defendants with participating in conspiracies and frauds involving the E-Rate program. In light of, among other things, the volume of discovery (including discovery in both English and Yiddish), and the nature of the case, the Court granted several adjournments in the case, at the request of the defendants.

Beginning on January 24, 2020, and going through February 12, 2020, all seven defendants waived indictment and pleaded guilty to seven different superseding informations, all pursuant to plea agreements. The Court set sentencing dates for all.

In light of, among other things, delays wrought by COVID-19, the Court granted piecemeal sentencing adjournment requests (all made with the consent of the Government). In order to obviate the need for continued piecemeal requests, however, at

¹ Counsel for Simon Goldbrener, Peretz Klein, Ben Klein, Moshe Schwartz, and Sholem Steinberg have explicitly consented. The Government has not yet heard back from counsel for Susan Klein or Aron Melber but, given the current schedule, has no reason to believe they will object.

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the Government's request, with the defendant's consent, the Court set a single schedule for the parties to submit their sentencing memoranda. (Docket Entry 145). Since that time, several defendants sought additional extensions of time to submit their memoranda, with the Government's consent, each of which this Court granted.

At this time, all defendants but Moshe Schwartz have submitted their sentencing memoranda. (Docket Entries 158, 160, 162, 165, 166, 171). However, Schwartz's attorney, Steven Y. Yurowitz, Esq., had a family emergency, and so was not able to submit his sentencing memorandum on time.

The Government has communicated with Mr. Yurowitz, who has asked that his time to submit a sentencing memorandum on behalf of Schwartz therefore be extended to November 24, 2020, to which the Government has no objection.

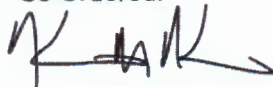
Because the Government plans on submitting a universal sentencing memorandum, and in light of the Thanksgiving holiday, the Government therefore respectfully requests that it be permitted to submit its sentencing memorandum two weeks after Schwartz's due date: on December 8, 2020.

The Court's Deputy has indicated that the Court will likely schedule the sentencing hearings in this case for mid-January. The schedule proposed above will give the Court time to review all the parties' positions, and the parties to determine what, if any issues, remain in dispute at sentencing and what, if any, relief to seek from the Court (*e.g.*, a *Fatico* hearing) regarding those issues.

Please feel free to contact us with any questions or issues.

The requested briefing schedule
is granted.

So Ordered.

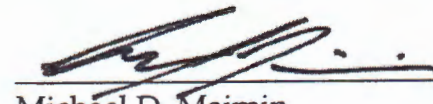


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Respectfully submitted,

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